

# **EXHIBIT B**

## **(Part 3 of 3)**

1 reference. Blockbuster specifically objects to this request to the extent it seeks  
 2 documents that are protected by the attorney-client privilege, the attorney work-  
 3 product doctrine, or any other applicable privilege or immunity and to the extent  
 4 that it seeks documents that are confidential or proprietary. Blockbuster further  
 5 specifically objects to this request on the grounds that it is vague, ambiguous,  
 6 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 7 calculated to lead to the discovery of admissible evidence in this case, and is  
 8 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 9 The bases for these objections include, without limitation, this request's use of the  
 10 term "RELATING TO."

11 Subject to and without waiving the foregoing objections, Blockbuster  
 12 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 13 documents sufficient to reasonably describe and support the Netflix market power  
 14 referred to in this request and will produce such documents so located that have not  
 15 already been produced in this case.

16 **REQUEST FOR PRODUCTION NO. 72:**

17 All DOCUMENTS RELATING TO BLOCKBUSTER's allegation in  
 18 its ANSWER, ¶ 90, that "Netflix's share of the relevant product and geographical  
 19 markets exceed 65%," including without limitation all documents that tend to  
 20 support or contradict that allegation.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 72:**

22 Each of Blockbuster's General Objections is incorporated here by  
 23 reference. Blockbuster specifically objects to this request to the extent it seeks  
 24 documents that are protected by the attorney-client privilege, the attorney work-  
 25 product doctrine, or any other applicable privilege or immunity and to the extent  
 26 that it seeks documents that are confidential or proprietary. Blockbuster further  
 27 specifically objects to this request on the grounds that it is vague, ambiguous,  
 28 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor

1 calculated to lead to the discovery of admissible evidence in this case, and is  
 2 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 3 The bases for these objections include, without limitation, this request's use of the  
 4 term "RELATING TO."

5 Subject to and without waiving the foregoing objections, Blockbuster  
 6 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 7 documents sufficient to reasonably describe and support Netflix's market share  
 8 referred to in this request and will produce such documents so located that have not  
 9 already been produced in this case.

10 **REQUEST FOR PRODUCTION NO. 73:**

11 All DOCUMENTS RELATING TO BLOCKBUSTER's allegation in  
 12 its ANSWER, ¶ 91, that "should Netflix succeed in inducing  
 13 BLOCKBUSTERONLINE to exit the relevant market, Netflix would again be  
 14 without significant competition in that market," including without limitation all  
 15 documents that tend to support or contradict that allegation.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 73:**

17 Each of Blockbuster's General Objections is incorporated here by  
 18 reference. Blockbuster specifically objects to this request to the extent it seeks  
 19 documents that are protected by the attorney-client privilege, the attorney work-  
 20 product doctrine, or any other applicable privilege or immunity and to the extent  
 21 that it seeks documents that are confidential or proprietary. Blockbuster further  
 22 specifically objects to this request on the grounds that it is vague, ambiguous,  
 23 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 24 calculated to lead to the discovery of admissible evidence in this case, and is  
 25 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 26 The bases for these objections include, without limitation, this request's use of the  
 27 term "RELATING TO."

28 Subject to and without waiving the foregoing objections, Blockbuster

1 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 2 documents sufficient to reasonably support the allegation referred to in this request  
 3 and will produce such documents so located that have not already been produced in  
 4 this case.

5 **REQUEST FOR PRODUCTION NO. 74:**

6 All DOCUMENTS RELATING TO the identity of all companies  
 7 operating in the “relevant product market,” as alleged by BLOCKBUSTER in its  
 8 ANSWER, ¶ 88.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 74:**

10 Each of Blockbuster’s General Objections is incorporated here by  
 11 reference. Blockbuster specifically objects to this request to the extent it seeks  
 12 documents that are protected by the attorney-client privilege, the attorney work-  
 13 product doctrine, or any other applicable privilege or immunity and to the extent  
 14 that it seeks documents that are confidential or proprietary. Blockbuster further  
 15 specifically objects to this request on the grounds that it is vague, ambiguous,  
 16 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 17 calculated to lead to the discovery of admissible evidence in this case, and is  
 18 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 19 The bases for these objections include, without limitation, this request’s use of the  
 20 term “RELATING TO.”

21 Subject to and without waiving the foregoing objections, Blockbuster  
 22 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 23 documents sufficient to reasonably identify competitors referred to in this request  
 24 and will produce such documents so located that have not already been produced in  
 25 this case.

26 **REQUEST FOR PRODUCTION NO. 75:**

27 All DOCUMENTS RELATING TO the market share of each company  
 28 operating in the “relevant product market,” as alleged by BLOCKBUSTER in its

1 ANSWER ¶ 88, “throughout the relevant time period up to and including the  
 2 present,” as alleged by BLOCKBUSTER in its ANSWER, ¶ 89.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 75:**

4           Each of Blockbuster’s General Objections is incorporated here by  
 5 reference. Blockbuster specifically objects to this request to the extent it seeks  
 6 documents that are protected by the attorney-client privilege, the attorney work-  
 7 product doctrine, or any other applicable privilege or immunity and to the extent  
 8 that it seeks documents that are confidential or proprietary. Blockbuster further  
 9 specifically objects to this request on the grounds that it is vague, ambiguous,  
 10 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 11 calculated to lead to the discovery of admissible evidence in this case, and is  
 12 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 13 The bases for these objections include, without limitation, this request’s use of the  
 14 term “RELATING TO.”

15           Subject to and without waiving the foregoing objections, Blockbuster  
 16 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 17 documents stating market shares referred to in this request and will produce such  
 18 documents so located that have not already been produced in this case.

19 **REQUEST FOR PRODUCTION NO. 76:**

20           All DOCUMENTS RELATING TO BLOCKBUSTER’s allegations in  
 21 its ANSWER, ¶¶ 111-12, that Netflix “acted with the specific intent to monopolize  
 22 the relevant market,” including without limitation all documents that tend to  
 23 support or contradict that allegation,

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 76:**

25           Each of Blockbuster’s General Objections is incorporated here by  
 26 reference. Blockbuster specifically objects to this request to the extent it seeks  
 27 documents that are protected by the attorney-client privilege, the attorney work-  
 28 product doctrine, or any other applicable privilege or immunity and to the extent

1 that it seeks documents that are confidential or proprietary. Blockbuster further  
 2 specifically objects to this request on the grounds that it is vague, ambiguous,  
 3 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 4 calculated to lead to the discovery of admissible evidence in this case, and is  
 5 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 6 The bases for these objections include, without limitation, this request's use of the  
 7 term "RELATING TO."

8 Subject to and without waiving the foregoing objections, Blockbuster  
 9 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 10 documents sufficient to reasonably support the allegation referred to in this request  
 11 and any documents contradicting that allegation and will produce such documents  
 12 so located that have not already been produced in this case.

13 **REQUEST FOR PRODUCTION NO. 77:**

14 All DOCUMENTS RELATING TO BLOCKBUSTER's allegation in  
 15 its ANSWER, ¶¶ 113-14, that Netflix has a dangerous probability of success of  
 16 monopolizing the relevant market, including without limitation all documents that  
 17 tend to support or contradict that allegation.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 77:**

19 Each of Blockbuster's General Objections is incorporated here by  
 20 reference. Blockbuster specifically objects to this request to the extent it seeks  
 21 documents that are protected by the attorney-client privilege, the attorney work-  
 22 product doctrine, or any other applicable privilege or immunity and to the extent  
 23 that it seeks documents that are confidential or proprietary. Blockbuster further  
 24 specifically objects to this request on the grounds that it is vague, ambiguous,  
 25 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 26 calculated to lead to the discovery of admissible evidence in this case, and is  
 27 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 28 The bases for these objections include, without limitation, this request's use of the

1 term "RELATING TO."

2 Subject to and without waiving the foregoing objections, Blockbuster  
 3 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 4 documents sufficient to reasonably support the allegation referred to in this request  
 5 and any documents contradicting that allegation and will produce such documents  
 6 so located that have not already been produced in this case.

7 **REQUEST FOR PRODUCTION NO. 78:**

8 All DOCUMENTS RELATING TO actual or potential substitutes for  
 9 ON-LINE DVD rentals, including without limitation any analyses, reports or  
 10 surveys.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 78:**

12 Each of Blockbuster's General Objections is incorporated here by  
 13 reference. Blockbuster specifically objects to this request to the extent it seeks  
 14 documents that are protected by the attorney-client privilege, the attorney work-  
 15 product doctrine, or any other applicable privilege or immunity and to the extent  
 16 that it seeks documents that are confidential or proprietary. Blockbuster further  
 17 specifically objects to this request on the grounds that it is vague, ambiguous,  
 18 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 19 calculated to lead to the discovery of admissible evidence in this case, and is  
 20 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 21 The bases for these objections include, without limitation, this request's use of the  
 22 terms "ON-LINE" and "RELATING TO."

23 Subject to and without waiving the foregoing objections, Blockbuster  
 24 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 25 documents sufficient to reasonably identify substitutes referred to in this request  
 26 and will produce such documents so located that have not already been produced in  
 27 this case.

28 ///

**REQUEST FOR PRODUCTION NO. 79:**

All DOCUMENTS RELATING TO BLOCKBUSTER's allegation in its ANSWER, ¶ 93, that "Netflix has engaged in monopolization in the relevant market during the relevant time period," including without limitation all documents that tend to support or contradict that allegation.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 79:**

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the term "RELATING TO."

Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product documents sufficient to reasonably support the allegation referred to in this request and any documents contradicting that allegation and will produce such documents so located that have not already been produced in this case.

**REQUEST FOR PRODUCTION NO. 80:**

All DOCUMENTS RELATING TO any alleged injury to competition in any relevant market that BLOCKBUSTER alleges was caused by any alleged antitrust violation committed by NETFLIX.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 80:**

Each of Blockbuster's General Objections is incorporated here by

1 reference. Blockbuster specifically objects to this request to the extent it seeks  
 2 documents that are protected by the attorney-client privilege, the attorney work-  
 3 product doctrine, or any other applicable privilege or immunity and to the extent  
 4 that it seeks documents that are confidential or proprietary. Blockbuster further  
 5 specifically objects to this request on the grounds that it is vague, ambiguous,  
 6 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 7 calculated to lead to the discovery of admissible evidence in this case, and is  
 8 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 9 The bases for these objections include, without limitation, this request's use of the  
 10 terms "BLOCKBUSTER," "NETFLIX," and "RELATING TO."

11 Subject to and without waiving the foregoing objections, Blockbuster  
 12 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 13 documents showing the injury to competition referred to in this request and will  
 14 produce such documents so located that have not already been produced in this  
 15 case.

16 **REQUEST FOR PRODUCTION NO. 81:**

17 All DOCUMENTS RELATING TO BLOCKBUSTER's allegation in  
 18 its ANSWER, ¶ 107, that "Netflix has succeeded in restraining competition in the  
 19 relevant market during the relevant time period," including without limitation all  
 20 documents that tend to support or contradict that allegation.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 81:**

22 Each of Blockbuster's General Objections is incorporated here by  
 23 reference. Blockbuster specifically objects to this request to the extent it seeks  
 24 documents that are protected by the attorney-client privilege, the attorney work-  
 25 product doctrine, or any other applicable privilege or immunity and to the extent  
 26 that it seeks documents that are confidential or proprietary. Blockbuster further  
 27 specifically objects to this request on the grounds that it is vague, ambiguous,  
 28 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor

1 calculated to lead to the discovery of admissible evidence in this case, and is  
 2 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 3 The bases for these objections include, without limitation, this request's use of the  
 4 term "RELATING TO."

5 Subject to and without waiving the foregoing objections, Blockbuster  
 6 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 7 documents sufficient to reasonably support the allegation referred to in this request  
 8 and will produce such documents so located that have not already been produced in  
 9 this case.

10 **REQUEST FOR PRODUCTION NO. 82:**

11 All DOCUMENTS RELATING TO BLOCKBUSTER's allegation in  
 12 its ANSWER, ¶ 107, that NETFLIX's alleged conduct will "deter other potential  
 13 competitors from entering the relevant market," including without limitation all  
 14 documents that tend to support or contradict that allegation.,

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 82:**

16 Each of Blockbuster's General Objections is incorporated here by  
 17 reference. Blockbuster specifically objects to this request to the extent it seeks  
 18 documents that are protected by the attorney-client privilege, the attorney work-  
 19 product doctrine, or any other applicable privilege or immunity and to the extent  
 20 that it seeks documents that are confidential or proprietary. Blockbuster further  
 21 specifically objects to this request on the grounds that it is vague, ambiguous,  
 22 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 23 calculated to lead to the discovery of admissible evidence in this case, and is  
 24 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 25 The bases for these objections include, without limitation, this request's use of the  
 26 terms "NETFLIX" and "RELATING TO."

27 Subject to and without waiving the foregoing objections, Blockbuster  
 28 will conduct a reasonable and diligent search for non-privileged, non-work-product

1 documents sufficient to reasonably support the allegation referred to in this request  
 2 and any documents contradicting that allegation and will produce such documents  
 3 so located that have not already been produced in this case.

4 **REQUEST FOR PRODUCTION NO. 83:**

5 All DOCUMENTS RELATING TO any damages BLOCKBUSTER  
 6 alleges it has suffered or will suffer as a result of any alleged antitrust violation  
 7 committed by NETFLIX.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 83:**

9 Each of Blockbuster's General Objections is incorporated here by  
 10 reference. Blockbuster specifically objects to this request to the extent it seeks  
 11 documents that are protected by the attorney-client privilege, the attorney work-  
 12 product doctrine, or any other applicable privilege or immunity and to the extent  
 13 that it seeks documents that are confidential or proprietary. Blockbuster further  
 14 specifically objects to this request on the grounds that it is vague, ambiguous,  
 15 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 16 calculated to lead to the discovery of admissible evidence in this case, and is  
 17 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 18 The bases for these objections include, without limitation, this request's use of the  
 19 terms "BLOCKBUSTER," "NETFLIX," and "RELATING TO."

20 Subject to and without waiving the foregoing objections, Blockbuster  
 21 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 22 documents showing the damages referred to in this request and will produce such  
 23 documents so located that have not already been produced in this case.

24 **REQUEST FOR PRODUCTION NO. 84:**

25 All DOCUMENTS RELATING TO BLOCKBUSTER'S actual or  
 26 potential use of any method used by NETFLIX to rent DVDs to customers

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 84:**

28 Each of Blockbuster's General Objections is incorporated here by

1 reference. Blockbuster specifically objects to this request to the extent it seeks  
 2 documents that are protected by the attorney-client privilege, the attorney work-  
 3 product doctrine, or any other applicable privilege or immunity and to the extent  
 4 that it seeks documents that are confidential or proprietary. Blockbuster further  
 5 specifically objects to this request on the grounds that it is vague, ambiguous,  
 6 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 7 calculated to lead to the discovery of admissible evidence in this case, and is  
 8 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 9 The bases for these objections include, without limitation, this request's use of the  
 10 terms "BLOCKBUSTER," "NETFLIX," and "RELATING TO."

11 Subject to and without waiving the foregoing objections, Blockbuster  
 12 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 13 documents discussing use by Blockbuster Inc. of a rental method used by Netflix  
 14 and will produce such documents so located that have not already been produced in  
 15 this case.

16 **REQUEST FOR PRODUCTION NO. 85:**

17 All DOCUMENTS RELATING TO the actual or potential effect of  
 18 competition from NETFLIX on BLOCKBUSTER's profits or revenues from in-  
 19 store rentals.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 85:**

21 Each of Blockbuster's General Objections is incorporated here by  
 22 reference. Blockbuster specifically objects to this request to the extent it seeks  
 23 documents that are protected by the attorney-client privilege, the attorney work-  
 24 product doctrine, or any other applicable privilege or immunity and to the extent  
 25 that it seeks documents that are confidential or proprietary. Blockbuster further  
 26 specifically objects to this request on the grounds that it is vague, ambiguous,  
 27 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 28 calculated to lead to the discovery of admissible evidence in this case, and is

1 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 2 The bases for these objections include, without limitation, this request's use of the  
 3 terms "BLOCKBUSTER," "NETFLIX," and "RELATING TO."

4 Subject to and without waiving the foregoing objections, Blockbuster  
 5 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 6 documents discussing Netflix's effect on Blockbuster's in-store-rental profits or  
 7 revenues and will produce such documents so located that have not already been  
 8 produced in this case.

9 **REQUEST FOR PRODUCTION NO. 86:**

10 All DOCUMENTS RELATING TO the actual or potential effect of  
 11 competition from NETFLIX on BLOCKBUSTER's profit or revenues from sales of  
 12 DVDs.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 86:**

14 Each of Blockbuster's General Objections is incorporated here by  
 15 reference. Blockbuster specifically objects to this request to the extent it seeks  
 16 documents that are protected by the attorney-client privilege, the attorney work-  
 17 product doctrine, or any other applicable privilege or immunity and to the extent  
 18 that it seeks documents that are confidential or proprietary. Blockbuster further  
 19 specifically objects to this request on the grounds that it is vague, ambiguous,  
 20 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 21 calculated to lead to the discovery of admissible evidence in this case, and is  
 22 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 23 The bases for these objections include, without limitation, this request's use of the  
 24 terms "BLOCKBUSTER," "NETFLIX," and "RELATING TO."

25 Subject to and without waiving the foregoing objections, Blockbuster  
 26 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 27 documents discussing an effect of Netflix on Blockbuster's profit or revenues from  
 28 sale of DVDs and will produce such documents so located that have not already

1 been produced in this case.

2 **REQUEST FOR PRODUCTION NO. 87:**

3 AU DOCUMENTS RELATING TO the actual or potential effect of  
 4 the launch of BLOCKBUSTERONLINE on BLOCKBUSTER's profits or revenues  
 5 from IN-STORE rentals.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 87:**

7 Each of Blockbuster's General Objections is incorporated here by  
 8 reference. Blockbuster specifically objects to this request to the extent it seeks  
 9 documents that are protected by the attorney-client privilege, the attorney work-  
 10 product doctrine, or any other applicable privilege or immunity and to the extent  
 11 that it seeks documents that are confidential or proprietary. Blockbuster further  
 12 specifically objects to this request on the grounds that it is vague, ambiguous,  
 13 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 14 calculated to lead to the discovery of admissible evidence in this case, and is  
 15 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 16 The bases for these objections include, without limitation, this request's use of the  
 17 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," and "RELATING TO."

18 Subject to and without waiving the foregoing objections, Blockbuster  
 19 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 20 documents discussing an effect of the launch of Blockbuster Online on  
 21 Blockbuster's profit or revenues from in-store rentals and will produce such  
 22 documents so located that have not already been produced in this case.

23 **REQUEST FOR PRODUCTION NO. 88:**

24 All DOCUMENTS RELATING TO the actual or potential effect of  
 25 raising or lowering the sale price of new or used DVDs on BLOCKBUSTER's  
 26 profits or revenues from IN-STORE DVD rentals.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 88:**

28 Each of Blockbuster's General Objections is incorporated here by

1 reference. Blockbuster specifically objects to this request to the extent it seeks  
 2 documents that are protected by the attorney-client privilege, the attorney work-  
 3 product doctrine, or any other applicable privilege or immunity and to the extent  
 4 that it seeks documents that are confidential or proprietary. Blockbuster further  
 5 specifically objects to this request on the grounds that it is vague, ambiguous,  
 6 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 7 calculated to lead to the discovery of admissible evidence in this case, and is  
 8 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 9 The bases for these objections include, without limitation, this request's use of the  
 10 terms "BLOCKBUSTER" and "RELATING TO."

11 Subject to and without waiving the foregoing objections, Blockbuster  
 12 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 13 documents an effect of varied DVD sale prices on Blockbuster's profit or revenues  
 14 from in-store DVD rentals and will produce such documents so located that have  
 15 not already been produced in this case.

16 **REQUEST FOR PRODUCTION NO. 89:**

17 All DOCUMENTS RELATING TO BLOCKBUSTER's promotion in  
 18 its IN-STORE locations of BLOCKBUSTERONLINE.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 89:**

20 Each of Blockbuster's General Objections is incorporated here by  
 21 reference. Blockbuster specifically objects to this request to the extent it seeks  
 22 documents that are protected by the attorney-client privilege, the attorney work-  
 23 product doctrine, or any other applicable privilege or immunity and to the extent  
 24 that it seeks documents that are confidential or proprietary. Blockbuster further  
 25 specifically objects to this request on the grounds that it is vague, ambiguous,  
 26 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 27 calculated to lead to the discovery of admissible evidence in this case, and is  
 28 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.

1 The bases for these objections include, without limitation, this request's use of the  
 2 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," and "RELATING TO."

3 Subject to and without waiving the foregoing objections, Blockbuster  
 4 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 5 documents sufficient to show such promotions and will produce such documents so  
 6 located that have not already been produced in this case.

7 **REQUEST FOR PRODUCTION NO. 90:**

8 All DOCUMENTS RELATING TO price competition with  
 9 NETFLIX.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 90:**

11 Each of Blockbuster's General Objections is incorporated here by  
 12 reference. Blockbuster specifically objects to this request to the extent it seeks  
 13 documents that are protected by the attorney-client privilege, the attorney work-  
 14 product doctrine, or any other applicable privilege or immunity and to the extent  
 15 that it seeks documents that are confidential or proprietary. Blockbuster further  
 16 specifically objects to this request on the grounds that it is vague, ambiguous,  
 17 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 18 calculated to lead to the discovery of admissible evidence in this case, and is  
 19 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 20 The bases for these objections include, without limitation, this request's use of the  
 21 term "RELATING TO."

22 Subject to and without waiving the foregoing objections, Blockbuster  
 23 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 24 documents reasonably sufficient to show price competition with Netflix and will  
 25 produce such documents so located that have not already been produced in this  
 26 case.

27 **REQUEST FOR PRODUCTION NO. 91:**

28 All DOCUMENTS RELATING TO the actual or potential effect of

1 subscription plan prices offered, or to be offered, by BLOCKBUSTERONLINE,  
 2 NETFLIX, or any other ON-LINE DVD rental company, on BLOCKBUSTER's  
 3 profits or revenues derived from the IN-STORE DVD rentals.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 91:**

5 Each of Blockbuster's General Objections is incorporated here by  
 6 reference. Blockbuster specifically objects to this request to the extent it seeks  
 7 documents that are protected by the attorney-client privilege, the attorney work-  
 8 product doctrine, or any other applicable privilege or immunity and to the extent  
 9 that it seeks documents that are confidential or proprietary. Blockbuster further  
 10 specifically objects to this request on the grounds that it is vague, ambiguous,  
 11 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 12 calculated to lead to the discovery of admissible evidence in this case, and is  
 13 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 14 The bases for these objections include, without limitation, this request's use of the  
 15 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "NETFLIX," "ON-  
 16 LINE," and "RELATING TO."

17 Subject to and without waiving the foregoing objections, Blockbuster  
 18 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 19 documents discussing effects of the pricing of subscription plans offered by  
 20 Blockbuster or online competitors on Blockbuster's in-store-rental profits or  
 21 revenues and will produce such documents so located that have not already been  
 22 produced in this case.

23 **REQUEST FOR PRODUCTION NO. 92:**

24 All DOCUMENTS RELATING TO the actual or potential effect of  
 25 subscription plan prices offered, or to be offered by BLOCKBUSTERONLINE,  
 26 NETFLIX, or any other ON-LINE DVD rental company, on BLOCKBUSTER's  
 27 profits or revenues derived from the IN-STORE DVD sales.

28 **RESPONSE TO REQUEST FOR PRODUCTION NO. 92:**

1                   Each of Blockbuster's General Objections is incorporated here by  
 2 reference. Blockbuster specifically objects to this request to the extent it seeks  
 3 documents that are protected by the attorney-client privilege, the attorney work-  
 4 product doctrine, or any other applicable privilege or immunity and to the extent  
 5 that it seeks documents that are confidential or proprietary. Blockbuster further  
 6 specifically objects to this request on the grounds that it is vague, ambiguous,  
 7 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 8 calculated to lead to the discovery of admissible evidence in this case, and is  
 9 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 10 The bases for these objections include, without limitation, this request's use of the  
 11 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "NETFLIX," "ON-  
 12 LINE." and "RELATING TO."

13                   Subject to and without waiving the foregoing objections, Blockbuster  
 14 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 15 documents discussing effects of the pricing of subscription plans offered by  
 16 Blockbuster or online competitors on Blockbuster's profits or revenues from in-  
 17 store DVD sales and will produce such documents so located that have not already  
 18 been produced in this case.

19 **REQUEST FOR PRODUCTION NO. 93:**

20                   All DOCUMENTS RELATING TO the effect of raising or lowering  
 21 the sale price of new or used DVDs on BLOCKBUSTER's profits or revenues  
 22 derived from BLOCKBUSTERONLINE.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 93:**

24                   Each of Blockbuster's General Objections is incorporated here by  
 25 reference. Blockbuster specifically objects to this request to the extent it seeks  
 26 documents that are protected by the attorney-client privilege, the attorney work-  
 27 product doctrine, or any other applicable privilege or immunity and to the extent  
 28 that it seeks documents that are confidential or proprietary. Blockbuster further

1 specifically objects to this request on the grounds that it is vague, ambiguous,  
2 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
3 calculated to lead to the discovery of admissible evidence in this case, and is  
4 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
5 The bases for these objections include, without limitation, this request's use of the  
6 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," and "RELATING TO."

12 | REQUEST FOR PRODUCTION NO. 94:

13 All DOCUMENTS RELATING TO the actual or potential effect of  
14 subscription plan prices offered by NETFLIX, or by any other ON-LINE DVD  
15 rental company, on BLOCKBUSTER's profits or revenues derived from  
16 BLOCKBUSTERONLINE.

17 | **RESPONSE TO REQUEST FOR PRODUCTION NO. 94:**

18                    Each of Blockbuster’s General Objections is incorporated here by  
19 reference. Blockbuster specifically objects to this request to the extent it seeks  
20 documents that are protected by the attorney-client privilege, the attorney work-  
21 product doctrine, or any other applicable privilege or immunity and to the extent  
22 that it seeks documents that are confidential or proprietary. Blockbuster further  
23 specifically objects to this request on the grounds that it is vague, ambiguous,  
24 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
25 calculated to lead to the discovery of admissible evidence in this case, and is  
26 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
27 The bases for these objections include, without limitation, this request’s use of the  
28 terms “BLOCKBUSTER,” “BLOCKBUSTERONLINE,” “NETFLIX,” “ON-

1 LINE," and "RELATING TO."

2 Subject to and without waiving the foregoing objections, Blockbuster  
 3 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 4 documents discussing effects of changes in competitors' online subscription prices  
 5 on Blockbuster Online's profits or revenues and will produce such documents so  
 6 located that have not already been produced in this case.

7 **REQUEST FOR PRODUCTION NO. 95:**

8 All DOCUMENTS RELATING TO the actual or potential effect of  
 9 on-demand distribution of movies by cable television providers on  
 10 BLOCKBUSTER'S profits or revenues derived from IN-STORE DVD rentals.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 95:**

12 Each of Blockbuster's General Objections is incorporated here by  
 13 reference. Blockbuster specifically objects to this request to the extent it seeks  
 14 documents that are protected by the attorney-client privilege, the attorney work-  
 15 product doctrine, or any other applicable privilege or immunity and to the extent  
 16 that it seeks documents that are confidential or proprietary. Blockbuster further  
 17 specifically objects to this request on the grounds that it is vague, ambiguous,  
 18 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 19 calculated to lead to the discovery of admissible evidence in this case, and is  
 20 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 21 The bases for these objections include, without limitation, this request's use of the  
 22 terms "BLOCKBUSTER" and "RELATING TO."

23 Subject to and without waiving the foregoing objections, Blockbuster  
 24 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 25 documents discussing effects of cable TV video-on-demand on Blockbuster's  
 26 profits or revenues from in-store DVD rentals and will produce such documents so  
 27 located that have not already been produced in this case.

28 ///

**REQUEST FOR PRODUCTION NO. 96:**

All DOCUMENTS RELATING TO the effect of distribution of movies over the internet on BLOCKBUSTER's profits or revenues derived from IN-STORE DVD rentals.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 96:**

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the terms "BLOCKBUSTER," "RELATING TO," and "distribution of movies over the internet."

Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product documents discussing effects of Internet downloading or streaming of movies on Blockbuster's profits or revenues from in-store DVD rentals and will produce such documents so located that have not already been produced in this case.

**REQUEST FOR PRODUCTION NO. 97:**

All DOCUMENTS RELATING TO the effect of on-demand distribution of movies by cable television providers on BLOCKBUSTER's profits or revenues derived from BLOCKBUSTERONLINE.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 97:**

Each of Blockbuster's General Objections is incorporated here by

1 reference. Blockbuster specifically objects to this request to the extent it seeks  
 2 documents that are protected by the attorney-client privilege, the attorney work-  
 3 product doctrine, or any other applicable privilege or immunity and to the extent  
 4 that it seeks documents that are confidential or proprietary. Blockbuster further  
 5 specifically objects to this request on the grounds that it is vague, ambiguous,  
 6 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 7 calculated to lead to the discovery of admissible evidence in this case, and is  
 8 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 9 The bases for these objections include, without limitation, this request's use of the  
 10 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "RELATING TO," and  
 11 "distribution of movies over the internet."

12 Subject to and without waiving the foregoing objections, Blockbuster  
 13 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 14 documents discussing effects of cable TV video-on-demand on Blockbuster  
 15 Online's profits and revenues and will produce such documents so located that have  
 16 not already been produced in this case.

17 **REQUEST FOR PRODUCTION NO. 98:**

18 All DOCUMENTS RELATING TO the effect of distribution of  
 19 movies over the internet on BLOCKBUSTER's profits or revenues derived from  
 20 BLOCKBUSTERONLINE.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 98:**

22 Each of Blockbuster's General Objections is incorporated here by  
 23 reference. Blockbuster specifically objects to this request to the extent it seeks  
 24 documents that are protected by the attorney-client privilege, the attorney work-  
 25 product doctrine, or any other applicable privilege or immunity and to the extent  
 26 that it seeks documents that are confidential or proprietary. Blockbuster further  
 27 specifically objects to this request on the grounds that it is vague, ambiguous,  
 28 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor

1 calculated to lead to the discovery of admissible evidence in this case, and is  
 2 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 3 The bases for these objections include, without limitation, this request's use of the  
 4 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "RELATING TO," and  
 5 "distribution of movies over the internet."

6 Subject to and without waiving the foregoing objections, Blockbuster  
 7 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 8 documents discussing effects of Internet downloading or streaming of movies on  
 9 Blockbuster Online's profits or revenues and will produce such documents so  
 10 located that have not already been produced in this case.

11 **REQUEST FOR PRODUCTION NO. 99:**

12 All DOCUMENTS RELATING TO BLOCKBUSTER's consideration  
 13 of competitive threats to BLOCKBUSTER's profits or revenues derived from IN-  
 14 STORE rentals of DVDs.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 99:**

16 Each of Blockbuster's General Objections is incorporated here by  
 17 reference. Blockbuster specifically objects to this request to the extent it seeks  
 18 documents that are protected by the attorney-client privilege, the attorney work-  
 19 product doctrine, or any other applicable privilege or immunity and to the extent  
 20 that it seeks documents that are confidential or proprietary. Blockbuster further  
 21 specifically objects to this request on the grounds that it is vague, ambiguous,  
 22 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 23 calculated to lead to the discovery of admissible evidence in this case, and is  
 24 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 25 The bases for these objections include, without limitation, this request's use of the  
 26 terms "BLOCKBUSTER" and "RELATING TO."

27 Subject to and without waiving the foregoing objections, Blockbuster  
 28 will conduct a reasonable and diligent search for non-privileged, non-work-product

1 documents discussing competitive threats to Blockbuster's profits or revenues from  
 2 in-store DVD rentals and will produce such documents so located that have not  
 3 already been produced in this case.

4 **REQUEST FOR PRODUCTION NO. 100:**

5 All DOCUMENTS RELATING TO BLOCKBUSTER's consideration  
 6 of competitive threats to BLOCKBUSTER's profits or revenues derived from  
 7 BLOCKBUSTERONLINE.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 100:**

9 Each of Blockbuster's General Objections is incorporated here by  
 10 reference. Blockbuster specifically objects to this request to the extent it seeks  
 11 documents that are protected by the attorney-client privilege, the attorney work-  
 12 product doctrine, or any other applicable privilege or immunity and to the extent  
 13 that it seeks documents that are confidential or proprietary. Blockbuster further  
 14 specifically objects to this request on the grounds that it is vague, ambiguous,  
 15 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 16 calculated to lead to the discovery of admissible evidence in this case, and is  
 17 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 18 The bases for these objections include, without limitation, this request's use of the  
 19 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," and "RELATING TO."

20 Subject to and without waiving the foregoing objections, Blockbuster  
 21 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 22 documents discussing competitive threats to Blockbuster Online's profits or  
 23 revenues and will produce such documents so located that have not already been  
 24 produced in this case.

25 **REQUEST FOR PRODUCTION NO. 101:**

26 All DOCUMENTS RELATING TO each business transaction, if any,  
 27 that BLOCKBUSTER contends was not consummated because of this litigation.

28 ///

1                   **RESPONSE TO REQUEST FOR PRODUCTION NO. 101:**

2                   Each of Blockbuster's General Objections is incorporated here by  
 3 reference. Blockbuster specifically objects to this request to the extent it seeks  
 4 documents that are protected by the attorney-client privilege, the attorney work-  
 5 product doctrine, or any other applicable privilege or immunity and to the extent  
 6 that it seeks documents that are confidential or proprietary. Blockbuster further  
 7 specifically objects to this request on the grounds that it is vague, ambiguous,  
 8 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 9 calculated to lead to the discovery of admissible evidence in this case, and is  
 10 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 11 The bases for these objections include, without limitation, this request's use of the  
 12 terms "BLOCKBUSTER" and "RELATING TO."

13                   Subject to and without waiving the foregoing objections, Blockbuster  
 14 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 15 documents sufficient to reasonably describe each transaction referred to in this  
 16 request and will produce such documents so located that have not already been  
 17 produced in this case.

18                   **REQUEST FOR PRODUCTION NO. 102:**

19                   All DOCUMENTS RELATING TO each business transaction, if any,  
 20 that BLOCKBUSTER contends was not consummated because of the PATENTS-  
 21 IN-SUIT.

22                   **RESPONSE TO REQUEST FOR PRODUCTION NO. 102:**

23                   Each of Blockbuster's General Objections is incorporated here by  
 24 reference. Blockbuster specifically objects to this request to the extent it seeks  
 25 documents that are protected by the attorney-client privilege, the attorney work-  
 26 product doctrine, or any other applicable privilege or immunity and to the extent  
 27 that it seeks documents that are confidential or proprietary. Blockbuster further  
 28 specifically objects to this request on the grounds that it is vague, ambiguous,

1 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 2 calculated to lead to the discovery of admissible evidence in this case, and is  
 3 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 4 The bases for these objections include, without limitation, this request's use of the  
 5 terms "BLOCKBUSTER" and "RELATING TO."

6 Subject to and without waiving the foregoing objections, Blockbuster  
 7 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 8 documents sufficient to reasonably describe each transaction referred to in this  
 9 request and will produce such documents so located that have not already been  
 10 produced in this case.

11 DATED: October 2, 2006

12 ALSCHULER GROSSMAN STEIN & KAHAN  
 13 LLP

14 By

15 William J. O'Brien

16 Attorneys for Defendant and Counterclaimant,  
 17 Blockbuster Inc.

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**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Alschuler Grossman & Kahan LLP, The Water Garden, 1620 26th Street, Fourth Floor, North Tower, Santa Monica, California 90404-4060. On October 2, 2006, I served a true copy of the within documents:

**BLOCKBUSTER INC.'S RESPONSE TO NETFLIX'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS**

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.  
The above transmission was reported as complete and without error. Attached hereto is a copy of the respective transmission report, which was properly issued by the transmitting facsimile machine.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Santa Monica, California, addressed as set forth below.
- by placing the document(s) listed above in a sealed envelope, with the overnight delivery charge prepaid, addressed as set forth below, and deposited in a box or facility regularly maintained by the overnight delivery service carrier, Federal Express.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

Jeffrey R. Chanin, Esq. Tel: 415.391.5400  
Daralyn J. Durie, Esq. Fax: 415.397.7188  
Keker & Van Nest, LLP  
710 Sansome Street  
San Francisco, CA 94111-1704 Attorneys for Plaintiff  
Netflix, Inc.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am a member of the bar of this court.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 2, 2006.

  
William B. Williams

William J. O'Brien